



STATE OF NEW YORK  
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April 1, 2016

**Via Facsimile and U.S. Mail**

The Honorable Frank P. Geraci, Jr.  
Chief United States District Judge  
Western District of New York  
U.S. Courthouse  
100 State Street  
Rochester, New York 14614

**RE: Libertarian Party of Erie County et al. v. Cuomo et al., 15-cv-00654 (FPG)**

Your Honor:

I am an Assistant Attorney General in the Office of Eric T. Schneiderman, Attorney General of the State of New York, which now represents all defendants in the above-referenced action. In accordance with Your Honor's Chambers Procedures, and with plaintiffs' consent, I write, on behalf of all defendants, to respectfully request that the Court extend their time to answer, move, or otherwise respond to plaintiffs' Amended Complaint until April 29, 2016.

In an Order dated January 8, 2016, the Court previously extended the time for all defendants to answer, move, or otherwise respond to the Amended Complaint until the later of (i) February 19, 2016 or (ii) 30 days after all defendants in the action have been served. (ECF Docket No. 18.) Service was just recently completed on all defendants on March 18, 2016, when the Honorable M. William Boller, Judge of the New York State Court of Claims and Acting New York State Supreme Court Justice, was served. (See ECF Docket No. 21.) That means that, under Your Honor's January 8, 2016 Order, the time for all defendants to respond to the Amended Complaint is currently Monday, April 18, 2016.<sup>1</sup>

<sup>1</sup> The Clerk's March 18, 2016 docket entry appears to indicate, erroneously, that Judge Boller has only until April 8, 2016 to answer the Amended Complaint. (ECF Docket No. 21.) Likewise, the March 17, 2016 docket entry appears to incorrectly indicate that the Honorable Dennis M. Kehoe, Wayne County Judge and Acting New York State Supreme Court Justice, who was served the day before Judge Boller, has only until April 7, 2016 to answer. (ECF Docket No. 20.) As noted, pursuant to the January 8, 2016 Order, the time to respond to the Amended Complaint for all defendants, including Judge Boller and Judge Kehoe, is currently April 18, 2016. (In a letter dated

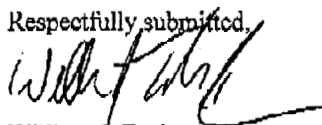
Hon. Frank P. Geraci, Jr., Chief U.S.D.J.  
April 1, 2016  
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Defendants now request a brief, 11-day extension of that current due date -- until April 29, 2016 -- for all defendants to answer, move, or otherwise respond to the Amended Complaint. This proposed extension would grant this Office time to complete its investigation of plaintiffs' new factual and legal allegations, would accommodate the other professional obligations of counsel, and would allow for proper coordination of all defendants in responding to the Amended Complaint.<sup>2</sup>

Plaintiffs' counsel, James Ostrowski, has consented to this request. Granting this request will not impact any other events scheduled in this litigation.

Thank you for your time and consideration of this request.

Respectfully submitted,



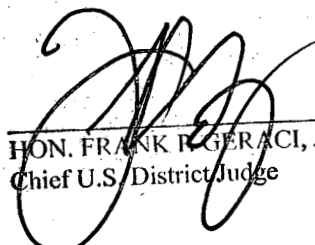
William J. Taylor, Jr.  
Assistant Attorney General

cc: James Ostrowski, Esq., Attorney for Plaintiffs  
(via e-mail and U.S. Mail)

SO ORDERED THIS

4<sup>th</sup> DAY OF

Apr / 20 / 16



HON. FRANK P. GERACI, JR.  
Chief U.S. District Judge

February 12, 2016, I notified the Court of a similar issue with respect to the February 8, 2016 docket entry (ECF Docket No. 19), regarding service on the Honorable Matthew J. Murphy, Niagara County Court Judge. Like the rest of the defendants, Judge Murphy's time to respond to the Amended Complaint is also currently April 18, 2016.)

<sup>2</sup> I should note, in particular, that one of the newly named and mostly recently served defendants is presently out of the country and will not return until the middle of April. That alone necessitates the requested extension here.